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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,846	01/24/2000	Hideya Takeo	Q56532	6337
7590 11/16/2004 Sughrue Mion Zinn Macpeak & Seas PLLC 2100 Pennsylvania Avenue NW Washington, DC 20037-3202			EXAMINER EDWARDS, PATRICK L	
			ART UNIT 2621	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/489,846

Applicant(s)

TAKEO, HIDEYA

Examiner

Patrick L Edwards

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 23 August 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-5,7 and 9-17.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 2. NOTE:

The added limitation of relating and storing 'for each patient' was not previously presented in the claims, and therefore would require further search and consideration.

In addition to the claim amendments, the applicant argues (on page 6-9 of applicant's remarks) that the limitations of claim 1 are not taught by the Rogers reference. The examiner has taken these arguments into consideration, but has not found them persuasive. In his remarks, the applicant asserts that Rogers does not teach the claimed limitation of 'relating a result of the processed abnormal pattern to a result of the corrected abnormal pattern'. The examiner disagrees.

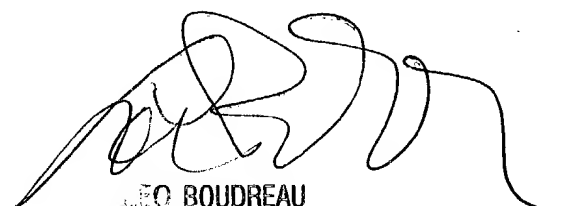
As was stated in the prior action, Rogers discloses detecting an abnormal pattern in an image, based on inputted image information (see the first sentence in paragraph [0042]). The claimed detecting step is analogous to the detection step 300 disclosed in the Rogers reference.

Rogers further discloses processing the detected abnormal pattern (see the 2<sup>nd</sup> and 3<sup>rd</sup> sentences of paragraph [0042]). The processes described in these two sentences correspond to the determination of a second set of suspicious detections, S2, described in paragraph [0014]. Thus, the determination of suspicious detections, S2, is analogous to the claimed step of 'processing the detected abnormal pattern'.

Rogers further discloses correcting the processed abnormal pattern, for each of a plurality of items of the inputted image information (see the third sentence of paragraph [0014]). The formation of a third set of suspicious detections, S3, by accepting or rejecting members of S2, is analogous to 'correcting the processed abnormal pattern' as recited in the claim.

Moving on to the limitation in question, the Rogers reference discloses relating a result of the processed abnormal pattern (S2) to a result of the corrected abnormal pattern (S3). This act of relating occurs in the creation of a fourth set of suspicious detections, S4, which the Rogers reference discloses is the union of sets S1 and S3 (see paragraph [0141]). Since we have already established that S3 is a subset of S2, it logically follows that the suspicious detection set S4 is the intersection of the set of all values in S2 and S3, with the set of values in S1. Written mathematically, we can say that  $S4 = (S1 \cap (S2 \cap S3))$ . By definition, this determination relates the processed abnormal pattern, S2, with the corrected processed abnormal pattern, S3.

The applicant, in pages 7 and 8 of his remarks, asserts that the examiner has misinterpreted the reference. The examiner disagrees. Applicant is invited to re-read paragraph [0141] in order to clear up any lingering confusion regarding this issue.



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